PRESERVED

App F. IX-4

68

Previous References. 1940. (Legis) File No. 63-40

Serial Nos.

25

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos:

Part B for ~~[illegible]~~ N.W. 1940

SUBJECT

Legislation to combat civil disobedience in British India — Amendment of the Mysore Public Security Act, 1940

N. 20/11/44

Serial No.

For
the Secretary to the Hon'ble Resident
Secret D.O. No 4.217/1960 Dated 29.10.1960
enquiring in the circumstances stated the drafting of
legislation on the lines of S 5, the draft Ordinance
sent about,

1) The Government of India suggested sometime ago the desirability of having legislation in Mysore ready in order to cope with civil disobedience in British India. A reply was sent that the provisions of the Public Security Act were considered sufficient for this purpose.

2) The Residency now state that these existing powers will not be sufficient and they have given the following three reasons:-

1. At the outset of civil disobedience in British India, Congress may not take part in objectionable activities in Mysore and so cannot be declared unlawful under section 11 of our Act, and further action cannot thereafter be taken against it.

2. Under section 18 of our Act, immobilisation and seizure of funds can only be possible if intended for unlawful use within the State and not outside it.

3. The Ordinance confers greater powers on the two following matters

(a) Confiscation may be of moneys for any revolutionary activities" and this expression is wider than the provisions of section 11.

(b) Control or confiscation may be of moneys in transit (or) about to be transmitted to the State from outside it.

NOTE—Contn. Sheet.

2243/40 P

File No. of 194 . | General and Revenue Secretariat

Serial No.

3) From the letter of the Residency, it would appear that powers may become necessary for two purposes:-

1. Power to declare an association unlawful though such unlawful activities may be entirely outside the State, and

2. power to immobilise and seize funds in Mysore which are ~~it~~ intended for unlawful activity'e en outside the State.

4) These two powers are not available under the Public Security Act, as it is intended to meet such cases within the State.

5) Regarding the other points mentioned in the letter, it may be stated that the term 'revolutionary activity' is not defined in the Ordinance, copy of which has been sent already and the provisions of section 11 seem wide enough to cover all cases of revolutionary activity. Reg C

Regarding the power to seize funds in transit from outside the State, no legislation of ours can empower the seizure of funds ~~existing~~ outside the State and the seizure can only be of money within the State.

6) The draft of section 5 of the Ordinance sent to us will not give us the powers which the Residency want us to take and to which reference has been made above. para 3 of notes). The Ordinance also is confined to activity inside the State.

Submitted for orders.

Sony 3/10/40

7) The Law Secy may be consulted before

MS 3/10

MWW 4/10

8) HM 2 4/10/40

SECY. LAW DEPT. 1940 GOVT OF MYSORE

2213
P

Legislation to Combat Civil disobedience in British India

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

9) The Public Security Act applies only to the associations which carry on unlawful activities in Mysore. Under this Act, it may not be possible to declare an outside association unlawful. Such a power can be had only under special legislation, but even then it can be exercised only against the activities of such an association so long as it exists in Mysore.

10) The legislation on the lines of the draft ordinance may not suffice for this purpose and a suitable enactment has to be devised.

Chief Secy)
M.C.,

H Hm
5.10.40

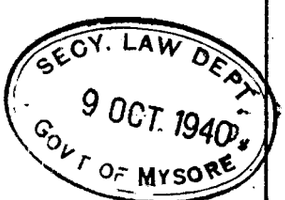
11) The Law Secy will kindly state what exactly is necessary to secure the objects envisaged in the Residency communication. Draft of the legislation might be prepared and put up for Members orders. This subject has to be dealt with in the Legis. Section till it is finally disposed of. The matter is urgent

Law Secy
With compts

Hm
6/10

JKNM
7/10

Hm
9/10/40



12) A draft is prepared and put up. In order to avoid repetition of some of the provisions already appearing in the Mysore Public Security Act, the draft has been prepared as an amendment of the Public

NOTE—Contn. Sheet.

2210/P

Legislation Council Civil Services in British India

File No. | of 194 . | General and Revenue Secretariat

Serial No.

Security Act. In preparing the draft two points have been kept in view. An association can be declared an unlawful association even though its activities may be outside Mysore, so long as the association exists in Mysore. Secondly, funds though meant for furthering such activities outside Mysore may be controlled or confiscated if found in Mysore or in transit to a person in Mysore, in the latter case, on receipt in Mysore.

Submitted for orders.

Sd/ 10/10/40.

OCT 12 1940
3582

The Residency may be consulted whether the draft could satisfy their requirements.

I. Member)

Hm 2 11/10/40

3 12/10

Hm 10/10/40

Hm 14/10/40

3 18/10

15) A draft reply to the Residency is put up

Sd/ 16.10.40

Hm 18/10/40

Camp no P 81 dated 18th October 1940 to Residency

Sec A.

2594

Legislation to Combat Civil disobedience in British Andra

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

OFFICE OF THE
FIRST MEMBER OF COUNCIL
OCT 26 1940
No. 4010

From

The Secretary to Govt. Home (Res) Department

Secret F 217 /1940 dated 25th October 1940.

Approving the Bill sent by

17) The Residency state that the Bill sent by us appears to serve the purposes in view. They want that action should be taken to pass it as an emergency measure on receipt of intimation that an emergency has arisen or is imminent: as the usual procedure of placing it before the Chambers will take time.

2763

18) If approved, the Residency will be intimated that the procedure suggested by them will be adopted when the need for it arises. Submitted for orders with a draft.

19) JWW 26/10

Dy 25/10/40

Legl Secy)

2430 26/10

20) May be approved

I Member)

21) May be proposed by circulation & subd to HH

HHM 2 26/10/40

JWW 26/10

9/11 29/10/40

Dewan)

22) JM 29-10-40

CHIEF SECRETARY
2. NOV. 1940
GOVT OF MYSORE

Submitted with a circulation Memo

Dy 2/11/40.

Chief Secy)
W.C.

HHM 2 1/11/40.
JWW 1/11

NOTE—Contn. Sheet. 115 2/11

23) A. D. J. G. is submitted may me letter to the Residency issue? If approved the letter will be issued and file resubmitted with

Dy 5/11/40

Legislation [illegible]

File No.	of 194	General and Reven... Secretariat
		Seria... No.

The letters to the Residency may perhaps issue and the D.F.N. thus submitted

MAV 8/7

2992

Law Secy.)
D. F. N. submitted

NOV 3 1940

I Member) Hm 2 5/11/40

Signed F.N. is placed in file. Hm 6/11/40

6/11

S. N. submitted.

Dewan) Hm 2 7/11/40

For Disposal by Circulation No. C. 2237/1940-41.

.....193....

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

The Mysore Public Security (Amendment)Bill;

Circulated to the Members of Council.

By Order,

2nd November 1940. *Chief Secretary to Government.*

First Member of Council. (Seen)

4339 2.11.40 **Second Member of Council.** 5.11

Law Secy. with compliments.

5.11.40

5/11/40. NNN.

dup i

Final Note by the First Member of Council

Subject. —

Amendment of the Mysore Public Security Act, 1940

26) In August this year, the Residency intimated that in view of the possibility of a revival of civil disobedience by the Congress in British India, the Crown Representative desired the co-operation of the Indian States to ensure that Indian States were not made a base for carrying on unlawful activities. He suggested, therefore, that legislation might be passed to immobilise and seize any Congress funds which might be lodged in Banks or with other persons in State territory.

27) The provisions of the Mysore Public Security Act (particularly Chapter III) were stated to be inadequate as the activities of an association have to be in Mysore if they should apply. A draft Bill amending the said Act was therefore prepared and has been agreed to by the Residency.

28) Under the proposed amendment, an association can be declared unlawful even though its unlawful activities may be outside the State. Secondly, funds meant for furthering such activities, whether in Mysore or outside the State, may be controlled or confiscated if found in Mysore or in transit to a person in Mysore.

29) The Residency have also requested that the proposed legislation may be passed as an emergency measure immediately on intimation that an emergency has arisen or is imminent, as the procedure of passing it through the legislative bodies would take too long a time

The Dewan and the Second Member of Council are agreeable to this procedure. I solicit the gracious sanction of His

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council on the subject of* the amendment of the Mysore Public Security Act, 1940,

for His Highness' gracious approval.

31) Mirza M. Ismail
Dewan.

Bangalore,
7th November 1940.

Record of Cases submitted for the Orders of

His Highness the Maharaja.

Subject.

Amendment of the Mysore Public Security Act, 1940.

Chief Secy
M.
14-11-40

Order.

32) JRW.
11/11/40

MS
14.11.40

2554

e.223.

General and Revenue
Secretariat.

SUBJECT:—

Amendment of the Cyprus Public Security Act 1940.

(*)

31 All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinariiy circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness, orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Law .....Department. 14/11/40

4725
14/11/40

FIRST MEMBER OF COUNCIL.

15/10/40

4751
15.11.40

SECOND MEMBER OF COUNCIL.

17.11

Law Secy with Compliments

9/11

19/11

19/11

NOTE.—Contn. sheet

WD 01183—GPB—500—16-10-40

2594
Top

Mysore Public Servants (amendment) Bill.

eneral and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

33)

The previous assent of His Highness was accorded on 11.11.40 to promulgate the measure on receipt of intimation from the Residency.

If the reply to the Residency has yet to be sent. Subs for orders if the draft reply approved already may issue.

Sd/ 20.11.40

If the draft may issue

Sd/ 20/11

Law Secy)

Hd Draft prepared.

D.M.Secretary)

Dsme Hm 20/11

Sd/ 20/11

Dsmd Pol 728 d 21.11.40 to the Residency,

for perusal

Sus A

Chief Secy

Cus 11.8.42

W.C.

Hm 14/8

Cus 17-8-42

Sd 17.8.42

3493/207

TYPING SECTION 21 NOV. 1940 DEN. & REV. SECTT.

CHIEF SECRETARY 12. AUG. 1942 GOVT. OF MYSORE.

may be filed separately under proper heading & recorded Sd

NOTE—Contn. Sheet.

Secret.
D.O.No.F.217/1940.

THE RESIDENCY MYSORE

Bangalore 2nd October 1940.

D 1120

My Dear Reddiarnagar

I am desired to acknowledge with thanks your secret demi-official letter No.Pol.411 dated the 20th September 1940.

2. With reference to the second paragraph thereof, I am, however, desired to say that the Resident is of opinion that although Chapter III of the Mysore Public Security Act 1940 confers fairly wide powers in regard to seizure and immobilization of the funds of any unlawful association it would be insufficient for the purpose envisaged in my demi-official letter No.F.217/1940 dated the 26th August 1940 for the following reasons :-

(1) Under Chapter III of the Mysore Public Security Act it is necessary for an association to be declared unlawful. This it is possible the Mysore Government might not desire to do in the case of the Mysore Congress, at any rate at the outset of civil disobedience in British India, when possibly that association might not have taken part in any objectionable activities and thereby have violated the provisions of section 11 of the Mysore Public Security Act.

(2) The Mysore Government could only declare to be unlawful an association which exists within the State and therefore could not immobilise or confiscate the funds of an organisation with headquarters outside the State, unless they were satisfied that such funds were intended to be used for the purpose of an unlawful association inside the State vide Section 18 of the Mysore Public Security Act..

(3) Section 5 of the draft British Indian Ordinance, a copy of which was enclosed with my demi-official letter referred to above, confers the following powers which do not appear to be conferred by the Mysore Public Security Act:-

(a) Powers to control or confiscate moneys etc., believed to belong to "any revolutionary movement" and this is widely defined as any concerted endeavour to overthrow or produce any change in the existing industrial, agrarian or economic structure, or to overthrow or produce any change in the existing form of government by the doing of or attempting to do or the abetting of any unlawful act, or various other acts such as using or threatening to use force, seducing a member of the government forces from his allegiance or duty, usurping the functions of Government etc., promoting feelings of enmity, encouraging any person to interfere with the administration of the law or the maintenance of law and order etc., etc.

(b) Powers to control or confiscate moneys etc., in transit or about to be transmitted to the Province (State) from any place outside the Province (State).

3. I am to request that the Mysore Government will be good enough to consider the necessity for drafting legislation on the lines of section 5 of the British Indian draft Ordinance in the light of the foregoing. It would presumably be necessary in order to prevent Mysore State from being used as a base for Congress activities in British India (vide my demi-official letter of the 26th August 1940) for Mysore legislation to be so framed as to cover funds believed to be intended for the furtherance of any revolutionary activity either inside or outside the State.

4. If general civil disobedience does not break out in India neither the British Indian nor Mysore Ordinances would be promulgated. Meanwhile the Resident is assured that the Mysore Government will appreciate the necessity for maintaining the strictest secrecy in regard to this correspondence.

Yours sincerely

A Hacam.

Rajasevaprasaktha B.T. Kesavaiengar Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

THE MYSORE PUBLIC SECURITY (AMENDMENT) BILL.

WHEREAS an emergency has arisen which makes it necessary to amend the Mysore Public Security Act,1940, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1.(1) This Act may be called the Mysore Public Security (amendment) Act,194

(2) It shall come into force at once.

2. Section 11 of the Mysore Public Security Act,1940, (hereinafter referred to as the said Act), shall be renumbered as sub-section (1) of section 11, and after sub-section (1) as so renumbered, the following sub-section shall be added as sub-section (2) thereof, namely:

"(2) The Government may also by notification in the official Gazette declare an association to be unlawful notwithstanding that its object or its activities which offends or offend the provisions of sub-section (1) is or are in respect of any place outside Mysore."

3. In section 18 of the said Act,-

(1) After sub-section (3), the following sub-section shall be added as sub-section (3A), namely:-

"(3A) If the Government or a police officer not below the rank of a Superintendent of Police authorised in this behalf by the Government. has reason to believe that any moneys, securities, goods or credits in Mysore or in transit or about to be transmitted to Mysore from any place outside it are being applied, or are intended to be applied

drafted on the lines of S'pore ordinance for Judiciary.

in Mysore or outside Mysore for the purposes of an unlawful association, the Government or such officer may, by order in writing prohibit any person into whose possession any such moneys, securities, goods or credits may have come, or to whom they are in transit or about to be transmitted, or with whom they have been or about to be deposited or established, from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government or such officer.";

(2) in sub-sections (4), (5) and (6), for the word, figure and brackets, "sub-section (3)" wherever they occur, the words, figures and brackets, "sub-section (3) or sub-section (3A)" shall be substituted.

Camp, Mysore. No. P 81/Mys dated 18/12/40

Encl. one

To

The Secretary to the Resident,

Sir,

I am directed to acknowledge the receipt of your secret D.O. No.F.217/1940 dated the 2nd Octr. 40 and to forward herewith a copy of a draft bill amending the Mysore Public Security Act and to enquire if the Bill meets the purposes in view.

I have, etc.,

18/10

Secretary to Govt.
Law Deptt.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

SECRET.

General and Revenue Secretariat.

Camp: Mysore,
Dated ~~Bangalore~~ 18th October 1940.

Camp No. go 81 / Legis
Secret

FROM

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

I am directed to acknowledge the receipt of your secret D.O. letter No.F.217/1940 dated the 2nd October 1940, and to forward herewith a copy of a draft Bill amending the Mysore Public Security Act and to enquire if the Bill meets the purposes in view.

I have the honour to be,
Sir,
Your most obedient servant,

Secretary to Government,
Law Department.

THE MYSORE PUBLIC SECURITY (AMENDMENT) BILL.

WHEREAS an emergency has arisen which makes it necessary to amend the Mysore Public Security Act, 1940, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. (1) This Act may be called the Mysore Public Security (amendment) Act, 194 .

(2) It shall come into force at once.

2. Section 11 of the Mysore Public Security Act, 1940, (hereinafter referred to as the said Act), shall be renumbered as sub-section (1) of section 11, and after sub-section (1) as so renumbered, the following sub-section shall be added as sub-section (2) thereof, namely:-

> "(2) The Government may also by notification in the official Gazette declare an association to be unlawful notwithstanding that its object or its activities which offends or offend the provisions of sub-section (1) is or are in respect of any place outside Mysore."

3. In section 18 of the said Act,-

(1) After sub-section (3), the following sub-section shall be added as sub-section (3A), namely:-

> "(3A) If the Government or a police officer not below the rank of a Superintendent of Police authorised in this behalf by the Government, has reason to believe that any moneys, securities, goods or credits in Mysore or in transit or about to be transmitted to Mysore from any place outside it are being applied, or are intended to be applied in Mysore or outside Mysore for the purposes of an unlawful association, the Government or such officer may, by order in writing, prohibit any person into whose possession any such moneys, securities, goods or credits may have come, or to whom they are in transit or about to be transmitted, or with whom they have been or about to be deposited or established, from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Government or such officer.";

(2) In sub-sections (4) and (6), for the word, figure and

brackets, "sub-section (3)" wherever they occur, the words, figures and brackets, "sub-section (3) or sub-section (3A)" shall be substituted.

Secretary to Government,
Law Department.

2594 84
P

Secret. No.F.217/1940.

From The Secretary to the Resident in Mysore,
Bangalore.

To The Secretary to the Government of Mysore,
Law Department.

Dated, Bangalore, 25th October 1940.

Sir,

I am directed to refer to your letter Camp No.P.81/Legis; dated the 18th October 1940, and to say that the proposed Bill, so far as can be foreseen, will serve the purposes in view. The Hon'ble the Resident understands that on receipt of intimation from him that an emergency has arisen or is imminent the Mysore Government will be good enough to bring the proposed legislation into force at once and that this will be done under section 12 of the Mysore Legislative Council Act and not by means of a Bill passed by the Council, since the latter procedure would take too long

I have the honour to be,
Sir.
Your obedient servant,

Secretary to the Resident in Mysore.

Draft)

Ref 1728 d: 21-11-1940

SECRET.

The Secretary to the Resident.

Sir,

I am directed to acknowledge the receipt of your Secret letter No.F.217/1940 dated 25th October 1940 and to state that Government have no objection to adopt the procedure suggested therein for passing the proposed legislation immediately on intimation ~~is received~~ that an emergency has arisen or is imminent.

I have etc.,

26/10/40

Secretary to Government,
Law Department.

26/10

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat.

SECRET.

Dated. Bangalore...2/11..... November 1940.

No. Col 728

FROM

Secretary to the Government of His Highness the Maharaja of Mysore.

Law Department.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

I am directed to acknowledge the receipt of your Secret letter No. F. 217/1940 dated 25th October 1940 and to state that Government have no objection to adopt the procedure suggested therein for passing the proposed legislation - immediately on intimation that an emergency has arisen or is imminent.

I have the honour to be,

Sir,

Your most obedient servant,

2/11

Secretary to Government,
Law Department.

TN-2)